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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/623,780 | 09/08/2000 | Keiji Fukuzawa | 450101-02221 | 7982 |
| 20999 | 7590 | 07/13/2006 | EXAMINER | |
| FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151 | | | RAMAN, USHA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2623 | |

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/623,780

Applicant(s)

FUKUZAWA ET AL.

Examiner

Usha Raman

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,9-12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,9-12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 29th, 2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 7 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 7, 9-12 and 14-16 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 7 and 12 recite the limitation, "wherein a plurality of service list identifiers are appended to said service identifiers which are used to identify a new or previous transmission". This limitation is not supported by the specification, which

merely discloses that a, "plurality of service list descriptors are appended to one TS ID" (i.e. not appended to service identifiers). See page 17 of disclosure, lines 17-18. Since a service list descriptor lists the services offered by each transport stream (i.e. the service list contains service identifiers and therefore a plurality of service identifiers are appended to service list descriptor), it is not apparent why a service list descriptor needs to be appended to service identifiers. As a result, the claim has been examined as "plurality service list descriptors appended to one TS ID"

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 9-12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (US Pat. 5,970,386) in view of "DVB Document A038: Specification for service information (SI) in Digital Video Broadcasting (DVB) Systems" (henceforth referred to as DVB A038)

In regards to claims 7 and 12, William discloses a transmodulator method and apparatus for receiving information from a first transmission path (satellite transmissions), demodulating the received signals (QPSK modulated signals) and modulating the demodulated with QAM modulation scheme and transmitting the signals through a first transmission path (MDU cable network). Note column 3, lines 30-43, 53-57, column 10, 63-66 and column 8, lines 44-56.

Williams fails to disclose that the modulation means includes network information replacement means for replacing the demodulated network information with information for the first transmission path.

The ETR 211 ("ETR 211: Digital Video Broadcasting: Guidelines on Implementation and Usage of Service Information"; incorporated by reference [7] in the DVB A038; section 2, page 4) discloses that re-broadcasting of satellite signals over a cable network can be achieved by replacing some of the TS packets a TS. TS packets with unique PID values are filtered out and the NIT information is replaced. Note clauses 4.1.1 and 5.3 of the ETR 211. The NIT also comprises a `delivery_system_descriptor` for each of the delivery system (i.e. `cable_delivery_system_descriptor` and `satellite_delivery_system_descriptor` for the cable and satellite systems respectively). See clause 6.2.8 in DVB A038. The lengths of both the `cable_delivery_system_descriptor` and `satellite_delivery_system_descriptor` are 104 bits (i.e. the first delivery system descriptor has a length equal to the second delivery system descriptor; see tables 22 and 26 in DVB A038). The ETR 211 also discloses that a plurality of service list descriptors (in the NIT and the BAT) maybe transmitted to a corresponding transport stream, when a BAT may exist. See clauses 4.2.1.2.2 and 4.2.2.2.1 of the ETR 211. Furthermore, the DVB A038 discloses transmitting `Stuffing_descriptor` (placeholder data) for invalidating previously coded descriptors and therefore teaches the step of replacing service identifiers using placeholders when service identifiers are no longer valid. See clause 6.2.29 of DVB A038.

It would have been obvious to one of ordinary skill in the art to modify the transmodulator of Williams with teachings and guidelines provided by the ETR and replace the network service information of the satellite signals with that of the cable network so that a receiver receives a valid transport stream with valid network information.

In regards to claims 10 and 15, as discussed above for claims 7 and 12, Williams discloses that the first transmission path is a cable television channel and the second transmission path is a satellite broadcasting channel.

In regards to claims 9 and 14, Williams discloses that a satellite decoder demodulates the signals modulated from the second network transmission path and data packets. Upon receiving and decoding a transport stream, the NIT is extracted at the receiving site in order compare the network id of a transport stream to identify the delivery network. If it is found that the network id of the received transport stream does not match with the network id of the receiver, the network id must be replaced for subsequent delivery over a second network. The extracted packets are then packetized (converted) into a compliant system standard for subsequent delivery in the second network. Note column 8, lines 26-31 of Williams.

Furthermore, the ETR discloses that the extracted network identification information is replaced with that of the new network. Note clause 5.3.2 in page 37 of the ETR.

In regards to claims 11 and 16, the ETR discloses that a can digital receive transport streams from an arbitrary network, extract the network information to determine the delivery network id and convert it to a format compliant with the

network to be delivered to, replace the network id with the information of the network to be delivered to. In the case of the modified system, the arbitrary network is any satellite network and the network to be delivered to is the cable network. The ETR further discloses that a transport stream from an arbitrary network has to have a NIT (designated by the tables listed under DVB mandatory in figure 1) identifying the actual transport stream, however it may also have NIT concerning with another transport stream (designated by tables under DVB for optional transport streams) of another network (i.e. another satellite, cable or terrestrial network). Note clause 1 in page 7 and figure 1 of ETR in page 10. When two such networks are identified in the new network, the new network replaces the network information of both the networks with the network information of the new network in the same manner as above. Note the last paragraph in page 11 of the ETR.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

UR


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